



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103 2029

VIOLATIONS

Mr. Bryan Buck
Plant Engineer
Ellwood National Forge
One Front Street
Lyndee PA 16329

Re Notice of Violation

Compliance Evaluation Inspection
September 16 & 17, 2013
EPA ID No. PA8000508226

Docket Number R3-15-NOV RCRA-21

Dear Mr. Buck:

On September 16 and 17 2013 the U.S. Environmental Protection Agency Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Pennsylvania Solid Waste Management Act (SWMA), as amended, 35 P.S. 6018-101 - 6018-1003 and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at your facility. A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that Ellwood National Forge (the Facility) is violating regulations promulgated under the Pennsylvania SWMA and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation is:

- 1 The container storing waste lamps in the Universal Waste Storage Building/Area (Photos #27 & 28) did not meet the labeling requirement found in 25 P.A. 266b [40 CFR, § 273.15 (c) (1)] which requires the container to be marked with a start accumulation date.
- 2 Waste bulbs in the Facility's Maintenance Shop (Photo #6 & 7) did not meet containment requirement found in 25 P.A. 266b [40 CFR, § 273.13 (d) (1)] which requires waste bulbs to be contained in a structurally sound package adequate to prevent breakage.
- 3 Waste bulbs in the Facility's Electrical Shop (Photo #14, 15 & 16) did not meet containment requirement found in 25 P.A. 266b [40 CFR, § 273.13 (d) (1)] which requires waste bulbs to be contained in a structurally sound package adequate to prevent breakage.

The satellite accumulation area located outside the Facility a Rich House (Photo #17) did not meet the requirements found in 25 PA 262a (40 CFR § 262.34 (c) (1)) which requires that a satellite accumulation area be under the control of the operator of the process generating the waste.

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on going, please provide a schedule for when the compliance measures will be completed.

Section 3008(d) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This NOV is not intended to address all past violations nor does it preclude EPA from including any ongoing including the one cited in this letter, or past violations in any future enforcement action. Response to this NOV shall be addressed to:

Ene Greenwood
Lead and Chemicals Division GILC70)
U S Environmental Protection Agency Region III
1650 Arch Street
Philadelphia, PA 19103

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA) please see the "Information for Small Businesses" memo, enclosed which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

Carol Amend

Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

May 15, 2015

Date

Enclosure

cc

M. Gross, PA/DIR (Central Office) w/Enclosure
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